

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

JOE HAND PROMOTIONS, INC.,
Plaintiff,

v.

**WASH THAT BABY, LLC d/b/a THE
HUT BAR & GRILL d/b/a JAMAICAN
JERK HUT BAR AND GRILL, and
GEORGE B. ALI,**
Defendants.

§
§
§
§
§
§
§
§

NO. MO:21-CV-211-DC

ORDER ADOPTING REPORT AND RECOMMENDATION

BEFORE THE COURT is United States Magistrate Judge Ronald C. Griffin's Report and Recommendation ("R&R") filed in the above-captioned cause on March 7, 2023, in connection with Plaintiff's Motion for Default Judgment. (Doc. 30). This matter was referred to the Magistrate Judge. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72. Neither party filed objections, and the deadline to do so has expired.

Any party who desires to object to a Magistrate Judge's findings and recommendations must serve and file written objections within fourteen (14) days after being served with a copy of the findings and recommendations. 28 U.S.C. § 636(b)(1). Failure to file written objections to the R&R within fourteen (14) days after being served with a copy shall bar that party from *de novo* review by the district court of the proposed findings and recommendations. *Id.*

Moreover, except upon grounds of plain error, it shall also bar the party from appellate review of proposed factual findings and legal conclusions accepted by the district court to which no objections were filed. *Id.*; *Thomas v. Arn*, 474 U.S. 140, 150–53 (1985); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989) (per curiam).

Having reviewed the R&R, the Court finds it neither clearly erroneous nor contrary to law. Therefore, the Court **ADOPTS** the R&R (Doc. 30) and **GRANTS** Plaintiff's Motion for Default Judgment (Doc. 28).

It is therefore **ORDERED**, **ADJUDGED**, and **DECREED** that judgment is entered in favor of Plaintiff against Defendants Wash That Baby, LLC and George B. Ali as follows:

1. That Plaintiff hereby recovers statutory damages pursuant to 47 U.S.C. § 605(e)(3)(C)(i)(II) from Defendants, jointly and severally, in the amount of \$10,000.00;

2. That Plaintiff hereby recovers additional damages pursuant to 47 U.S.C. § 605(e)(3)(C)(ii) from Defendants, jointly and severally, in the amount of \$30,000.00;

3. That Plaintiff hereby recovers attorney fees from Defendants, jointly and severally, in the amount of \$5,000.00;

4. Plaintiff hereby recovers reasonable attorney fees from Defendants, jointly and severally, for post-trial and appellate services in the event of the need for post-trial and appellate services, as follows:

a. \$2,500.00 for collection of the judgment in the event that Plaintiff obtains a writ of execution, writ of garnishment, writ of attachment, or other process;

b. \$5,000.00 in the event that any Defendant files a post-judgment motion or pre-appeal motion that does not result in a reversal of the judgment; and

c. \$15,000.00 in the event that any Defendant files an appeal with the United States Court of Appeals for the Fifth Circuit that does not result in a reversal of the judgment.


5. That Plaintiff hereby recovers costs from Defendants, jointly and severally, in the amount of \$1,205.00; and

6. The Court hereby awards to Plaintiff and against Defendants, jointly and severally, post-judgment interest at 4.46% per annum pursuant to 28 U.S.C. § 1961 from this date until paid.

It is finally **ORDERED** that the Clerk of the Court **CLOSE** the case.

It is so **ORDERED**.

SIGNED this 29th day of March, 2023.



DAVID COUNTS
UNITED STATES DISTRICT JUDGE